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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/674,684	09/29/2003	Allan I. Bain	554792000401

CONFIRMATION NO. 5115

20872
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

FORMALITIES LETTER



OC000000013545385

09/14/2004 MBIZUNES 00000085 031952 10674684

01 FC:1460 130.00 DA

Date Mailed: 08/16/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) **Pages 53, 59, 61, 63, 64, 79, 91, 102 and 132** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes . Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE



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Approved for use through 10/31/2002. OMB 0651-0031
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/674,684
		Filing Date	September 29, 2003
		First Named Inventor	Allan I. BAIN
		Group Art Unit	1626
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	22	Attorney Docket Number	554792000401

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form - 1 pg IN DUPL <input checked="" type="checkbox"/> Response to NOTICE OF OMITTED ITEMS IN A NON-PROVISIONAL APPLICATION dated 8/16/04 - 3 pgs <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request - 1 pg <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition - UNDER 35 CFR 1.53(e) to Show Receipt of Item(s) In Response to Notice of Omitted Item(s) - 3 pgs <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney - 1 pg <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter - 1 pg <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Michael R. Ward (Reg. No. 38,651) MORRISON & FOERSTER LLP	CUSTOMER 20872
Signature		
Date	September 10, 2004	

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, LABEL NO. EV 470 627 376 US on the date indicated below and is addressed to: COMMISSIONER FOR PATENTS, MS: MISSING PARTS, P.O. BOX 1450, Alexandria, VA 22313-1450 on the date indicated below.

Dated: September 10, 2004

Signature: (Lilia Olsen)

EV470627376US



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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

Complete if Known

Application Number.	10/674,684
Filing Date	September 29, 2003
First Named Inventor	Allan I. BAIN
Examiner Name	Not Yet Assigned
Art Unit	1626
Attorney Docket No.	554792000401

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account:

Deposit Account Number

03-1952

Deposit Account Name

Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code (\$)	Fee	Fee Code (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee
1002	340	2002	170	Design filing fee
1003	530	2003	265	Plant filing fee
1004	770	2004	385	Reissue filing fee
1005	160	2005	80	Provisional filing fee

SUBTOTAL (1) (\$ 00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	- ** =	Extra Claims	Fee from below	Fee Paid
Independent Claims	- ** =			
Multiple Dependent	- ** =			

Large Entity Small Entity

Fee Code (\$)	Fee	Fee Code (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 00)

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
1051	130	2051 65 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
1251	110	2251 55 Extension for reply within first month	
1252	420	2252 210 Extension for reply within second month	
1253	950	2253 475 Extension for reply within third month	
1254	1,480	2254 740 Extension for reply within fourth month	
1255	2,010	2255 1,005 Extension for reply within fifth month	
1401	330	2401 165 Notice of Appeal	
1402	330	2402 165 Filing a brief in support of an appeal	
1403	290	2403 145 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,330	2453 665 Petition to revive - unintentional	
1501	1,330	2501 665 Utility issue fee (or reissue)	
1502	480	2502 240 Design issue fee	
1503	640	2503 320 Plant issue fee	
1460	130	1460 130 Petitions to the Commissioner	130.00
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	770	2809 385 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810 385 For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801 385 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$ 130.00)

(Complete if applicable)

Name (Print/Type)	MICHAEL R. WARD	Registration No. (Attorney/Agent)	38,651	Telephone	415/268-6237
Signature	<i>Michael R. Ward</i>			Date	September 10, 2004

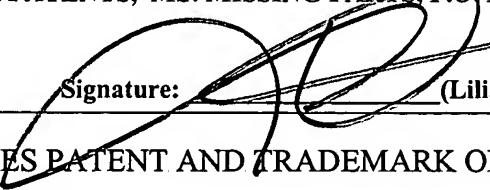


PATENT
Docket No. 554792000401

CERTIFICATE OF EXPRESS MAIL

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Dated: September 10, 2004

Signature:  (Lilia Olsen)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Allen I. BAIN et al.

Serial No.: 10/674,684

Filing Date: September 29, 2003

For: ION CHANNEL MODULATING
COMPOUNDS AND USES THEREOF

Examiner: Not Yet Assigned

Group Art Unit: 1626

**RESPONSE TO NOTICE OF
OMITTED ITEM(S) IN A NON-
PROVISIONAL APPLICATION dated
August 16, 2004**

MS: MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This is in response to the Notice of Omitted Items in a Non-provisional Application dated August 16, 2004, a response to which is due October 16, 2004. Accordingly, this response is timely filed.



EXHIBIT A

Atty Docket No.: 5547920000401

Inventor: Alan I. BAIN

Application No.: Not Yet Assigned Filing Date: Concurrently Herewith
Title: ION CHANNEL MODULATING COMPOUNDS AND USES THEREOF

Documents Filed: Continuation of U.S. Appln. Serial No. 09/680,988

UTILITY Patent Application Transmittal - 2 pgs

FEE TRANSMITTAL - 1 pg IN DUPL

APPLICATION DATA SHEET - 6 pgs

PRELIMINARY AMENDMENT - 4 pgs

SPECIFICATION (copy from prior Appln) - 159 pgs

DECLARATION (copy from prior Appln) - 5 pgs

POWER OF ATTORNEY (courtesy copies of as filed POA) - 7 pgs

DRAWINGS - 5 SHEETS

22388 U.S. PTO
10/674684



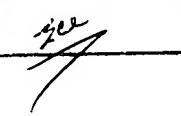
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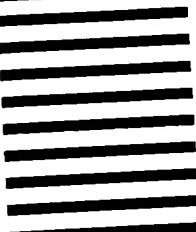
Date: September 29, 2003

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